PATTERNS OF POWER · THEORY · THE ANGLO CASE

No Free Man

Why a Faction's Victory Must Be Written in Words It Cannot Own, Which Written Words Can Later Be Fired and Which Cannot, What Henry VIII Did When He Opened the Book, and the Date England Built an Interpreter Its Crown Could Not Remove

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with Claude (Anthropic) · 2026

held as tested, not revealed

Preface: what this study is

The collaboration, the two series it re-reads, and the promise that it stands alone.

This study belongs to the Patterns of Power project and is a collaboration. The questions, the direction, the pattern-recognition and the final judgement are the author's; the historical synthesis, the drafting and the scholarly retrieval were done with Claude, Anthropic's model, with every load-bearing claim checked against a source before anything was built on it.

The project is not an attempt to prove a theory. It is a search for structural dynamics behind one question — how a distribution of holdings taken by force becomes an order armed men will defend rather than contest — and the cases that break the framework are worth more than the ones that confirm it.

This study grows out of two earlier works in the project: **The England Series**, which traced nine centuries on the argument that change came from ruling-class fracture rather than from the common man rising, that a winning faction had to write its victory into universal legitimating language because naked self-interest binds nobody, and that those written words then slipped their authors' grip and were fired across centuries in directions never intended; and **The America Series**, which found several ruling classes rather than one people, read the Constitution as a treaty among three interests, and showed the same words arming everyone they were meant to exclude.

Both accounts stand. What the framework built since adds is three things, and each converts something those series stated as contingency into something structural.

The generality of the words was not luck. The England series says, honestly and cautiously, that the words written down *happened* to be general enough for the excluded to claim later. The framework says a faction in that position had no other option: a clause narrow enough to name its beneficiaries would have been the beneficiaries authoring their own title, and a title authored by a party to the contest is worth that party's current strength — which was the problem the clause existed to solve. **The words had to be general to bind at all, and being general is what made them fireable later.**

Not all general words load. Universal language can sanctify as easily as limit; divine right is universal. So the framework proposes a **loading test** — four conditions that determine whether a written clause can be taken down from the shelf and aimed, and

which explain why some venerated records arm the excluded and others confirm their subjection.

And distance can be built. The most important finding here is a date. The framework has held that an interpreter can constrain a ruler only where his qualification is issued beyond the ruler's reach, and has treated that position as inherited or accidental — a foreign see, a distant patriarchate. England shows it being **manufactured, deliberately, by statute**, in 1701, by a faction that had just spent a century watching what happens without it. That is a correction to the framework, and it is also the sharpest available answer to the England series' own closing pessimism.

The study stands alone. No prior reading is assumed — not of this project, not of English or American history, not of any statute or scholar named.

One discipline governs throughout. The record examined here includes a legal order that authored property in human beings, a revolution that suppressed its own radicals by force, and a constitutional settlement whose central compromise was over who counted as a person. This project states the obligation in the phrase *legibility is not pardon*, and discharges it in Part XI rather than in a clause.

The question

Two words the barons did not have to write.

In June 1215, at Runnymede, a faction of English barons who had beaten a king in the field made him seal a charter. The clause that mattered most, and that survived when almost everything else in the document was repealed, annulled or forgotten, reads in substance: **no free man shall be seized, imprisoned, dispossessed or destroyed except by the lawful judgment of his equals or by the law of the land.**

The barons were protecting themselves. They had been imprisoned without trial, dispossessed at the king's word, ruined by arbitrary exactions. They wanted it stopped.

So why does the clause not say "no baron"?

They had every reason to write it that way. It was the accurate description of the grievance and of the interest being protected. It would have been shorter, clearer and easier to enforce. And it would have avoided handing, to every later Englishman who could read a statute roll, a sentence they could take down and aim at the men who wrote it — which is precisely what happened, across the following six centuries, in the hands of lawyers, parliamentarians, revolutionaries, reformers and abolitionists.

The England series treats this as fortunate: the words *happened* to be general, and had they been otherwise the same mechanism would have confirmed subjection instead. That caution is right about the mechanism's blindness and, this study argues, wrong about the contingency.

The barons could not have written "no baron," and the reason has nothing to do with generosity or foresight. Working out why is the first half of this study. The second half asks what follows: if a settlement must be written in words its authors cannot own, which written words can actually be fired later, and which are inert — and what a ruling class can do, if it understands the mechanism, to build the thing that makes firing possible.

The framework, compressed

Possession, ownership, the anchor, the interpreter.

Everything below rests on a distinction ordinary speech collapses.

Possession is what force holds now. It is present-tense and expires when the capacity sustaining it expires — at illness, at absence, and completely at death.

Ownership is a claim about the future and about other people: that this will be mine tomorrow while I sleep, and that when I die you will treat my son as its holder. Ownership is not a relation between a person and a thing; it is a structure of expectations about how other people will behave across time.

Force is sovereign over the first and impotent over the second. **The part of a holding force cannot reach is exactly what makes it a holding, and it must therefore be manufactured out of something that is not force.**

The coordination failure. Everyone in a world of armed men would prefer a settlement, and that explains nothing, because the question is why one holds at the moment when breaking it would pay. The decisive calculation is the **bystanders'**: each asks whether a seizure is his quarrel, and absent a common ground of title the answer is no — intervening buys casualties and an enemy, and intervening alone makes him the next target. So all wait, each knowing the others reason identically, and that shared expectation of inaction is what makes the seizure safe. **Warlordism is a coordination failure among the men who might have punished it, not a moral failure.**

The anchor. Give every holding one source and the arithmetic inverts: an attack on any title becomes an attack on the ground beneath all of them, and a coalition forms that nobody has to lead. It works on expectations rather than wills — a man abstains not because he believes but because he can count.

From which the condition that organises this study:

> ***A party competing for the spoils cannot be the author of who gets them.*** *A title granted by a competitor is not a title; it is a forecast about that competitor's health. So the source must be* ***unforgeable by the current claimants.***

And the danger is not principally the man who breaks the rule — breaking is legible and the coalition punishes it. The danger is the man who **changes** it, or who controls who fills the office that reads it, because neither triggers the coalition at all.

Where such material comes from. The property required — *no current claimant made this* — is a fact about history rather than a feature of design, and facts about history cannot be added later. A ruler can build the temple, endow the priesthood and stage the ceremony; he cannot make it true that he did not. So the material must come from before the players existed and must have been made for something else, which is why every new ground in the record is announced as a **recovery** rather than an invention.

The interpreter, and his two jobs. An anchor does not read itself. The class that reads it does two separable jobs: the **vertical** job of telling the apex no, which requires that the apex cannot revoke his standing; and the **horizontal** job of making every holder's title checkable against one source, which requires only that he be **singular**. Capture destroys the first almost at once and leaves the second untouched.

The measurable variable is **who can revoke the qualification** — *fused*, where the claimant is his own interpreter; *domestic*, where the ruler appoints, examines or funds; *foreign*, where it is issued outside every claimant's reach, which is the only position from which a refusal can be survived.

And one modifier. Credential distance matters because the audience cannot check the anchor for itself. Where the anchor is **publicly verifiable by the people it binds**, the interpreter's independence matters less, because the audience is the check.

Part I — Why the words had to be general

The unforgeability condition, showing up in the grammar of a clause.

Return to Runnymede with the framework in hand.

The barons had just demonstrated that they could beat the king in the field. That establishes possession — that they can take and hold, this year, while their coalition is together and while John is weak. It establishes nothing whatever about next year, about what happens when the coalition disperses, or about whether their sons will hold what they held.

What they needed was a claim that survives their own strength, and there is only one way to get one. The claim must derive from a source that is not a party to the contest, because a claim derived from a party is a forecast about that party's health, and every man in the room could compute that forecast as well as they could.

Now write the clause both ways and watch what happens.

"No baron of this realm shall be seized or imprisoned except by lawful judgment." Who authored that? The barons. In their own interest, in a document they extracted at swordpoint from a defeated king. It is a description of what the winners currently have the power to insist on — which is to say, it is a receipt for possession, and it lapses the moment the balance shifts. It also gives the king an obvious countermove, which is to divide the barons, since a clause protecting a named class invites the ruler to make some of that class better off outside it.

"No free man shall be seized or imprisoned except by lawful judgment." Who authored that? Not the barons — or rather, they wrote it down, but they are not what it is about. It states a condition of a kind of person, in terms that predate the quarrel, and it derives from a body of custom and law that had accreted for centuries before any man at Runnymede was born.

That is the difference between a receipt and a title. **The generality is not magnanimity and it is not carelessness. It is the unforgeability condition appearing in the grammar of the sentence** — because the only way to write a binding clause is to write one whose authority does not come from you.

And there is a second, harder reason, which the bystander mechanism supplies. A clause binds because other men will enforce it — the coalition forms when the ground

is violated, and it forms because each man's own title stands on the same ground. **A clause that protects only its authors gives nobody else a reason to defend it.** The wider the class named, the larger the coalition that has an interest in the clause holding, which is exactly what a faction that will not always be strong most needs.

So the faction's position is a trap it cannot escape by cleverness. **To make its victory durable it must state the victory in terms that do not name it — and terms that do not name it can be claimed by anyone who fits them.**

The corollary: the blowback is not a defect

Which yields the correction to the England series' central caution.

That series holds, rightly, that the mechanism is blind: the words fire wherever they happen to point, and had different words been written the same machinery would have confirmed subjection. This study accepts the blindness about **targets** and rejects the contingency about **generality**.

> ***A faction cannot write a binding warrant and a narrow one. The thing that made the clause work in 1215 is the same thing that made it claimable in 1649 and 1772 — and there is no version of the settlement that keeps the first and avoids the second.***

The words outran their authors because they had to be the kind of words that outrun their authors. That is the price of needing a ground you did not make, and it is charged every time, to everybody.

Part II — Which words load

Four conditions, and why universal language sometimes arms and sometimes sanctifies.

The England series' caution remains live in a narrower form and must be answered, because it is correct that universal language is not automatically liberating. **Divine right is universal. So is the doctrine that the social order reflects a cosmic one, and so is a caste theology.** Those sanctify rather than limit, and no later faction has ever taken them down and fired them at the men on top.

So generality is necessary and not sufficient, and the framework can specify what else is needed. Four conditions, and a clause needs all four.

One: universal in subject

The clause must name a **condition rather than a person or an estate** — *no free man*, *any person*, *all men*. This is Part I's argument and it is the entry requirement.

Two: conduct-limiting rather than status-conferring

This is the condition that separates arming from sanctifying, and it is the study's most useful distinction.

A status-conferring clause says what somebody is. The king rules by divine appointment; the orders of society reflect the order of creation; this lineage descends from the gods. Such a claim cannot be checked against events, because no event contradicts it. A tyrannical king is still divinely appointed on the doctrine's own terms — which is why the doctrine can absorb any amount of misconduct without weakening.

A conduct-limiting clause says what may not be done. *No free man shall be seized except by lawful judgment.* That is a claim about procedure, and procedure is observable: either a man was tried before he was imprisoned or he was not. **A clause of that kind can be violated, and a violation can be seen.**

Which is why it can be fired. A weapon is a thing that can be aimed at an event, and only conduct-limiting language gives you an event to aim at.

This project has the same distinction from a different direction. Grounds that specify the ruler's character — the Guardian must be the most just of jurists; disorder is

evidence that the Mandate has lapsed — make coercion **self-refuting**, because a claimed representative brutalising the people he claims to represent produces evidence against his own claim, in the claim's own terms. Grounds that confer status — descent, procedure, mere incumbency — are immune to their holder's conduct. The same axis explains both what constrains a ruler and what arms his subjects, and the reason is the same in both cases: **only a conduct-limiting ground can be checked against what actually happened.**

Three: publicly verifiable

The clause must be lodged in a record the audience can consult, in a language they read.

This is the framework's modifier and it is the condition the England series identifies without naming: the charter was confirmed dozens of times, entered on the statute rolls, and built into the foundation of the common law — that is, placed in a venerated, citable, consultable record. And the second loaded text was placed in English in every parish.

The contrast is what makes it a variable. A liturgy in a dead language, a genealogy known only to specialists, a calendar requiring twenty years' training: none of these can be checked by the people they bind, which is precisely why the interpreter's independence matters so much in orders that run on them. **A publicly verifiable ground distributes the check.**

Four: citable by a class the ruler did not credential

The last condition is the one this study adds and which Parts IV and V are about.

A written clause is inert unless somebody with standing can raise it against the man in power and survive doing so. That requires an interpretive class whose qualification the apex cannot withdraw — because a class he credentials will produce, at most, heroic individual refusals and no institutional capacity to compel.

Loaded words plus a captured interpreter equals nothing. The clause sits on the shelf and is cited in periods of weakness and ignored in periods of strength, which is very nearly the description of Magna Carta's career for its first four centuries.

The test applied

Run the four conditions over the English material and the results are clean.

Magna Carta's clause 39 passes all four by 1701 and only some of them before: universal in subject from the start; conduct-limiting from the start; publicly verifiable from its entry on the statute rolls; and citable by an independent class only after the last condition was built.

Divine right passes the first condition and fails the second outright. It was universal, it was in the record, it was preached from every pulpit — and no faction in the record ever took it down and aimed it upward, because there is nothing to aim. Its subsequent history is not of being fired but of being abandoned.

The English Bible in the parishes passes the first three from the moment of its placement, and the fourth intermittently: it names conditions (all souls before God), it is full of conduct-limits and of prophets denouncing kings, it was in the vernacular in a book everyone could hear read — and the classes that cited it against the crown were the ones whose standing came from congregations rather than from royal appointment.

Part III — What Henry actually did

Two moves in opposite directions, in one reign.

The England series describes Henry VIII moving the channel of belief: seizing the church that carried the nation's faith, binding the landed class to the seizure through the plundered monastic estates, and setting an open English Bible in every parish to teach obedience — a book he tried, too late, to close when its readers began drawing their own conclusions.

The framework says he did **two structurally distinct things**, that they cut in opposite directions, and that the second is the one nobody planned.

Move one: he nationalised the credential

Before 1534 the men who read the ground in England held a spiritual qualification issued at Rome — outside the kingdom, outside the king's appointment, outside his power to withdraw. That is the **foreign** position, and it is the only one in this project's archive from which an interpreter can refuse an apex and still hold his office the next morning. It is why an archbishop could quarrel with a king in 1164, flee to France, and continue to be an archbishop; and why the king who had him killed did public penance and withdrew the disputed provisions.

The Act of Supremacy converted that qualification into a domestic one. And the framework's prediction for that conversion is not liberation but **the death of the vertical function and the survival of the horizontal**, producing a ruler with no institutional capacity able to tell him no.

That prediction is confirmed across the European field. France obtained the same thing by treaty rather than by schism — the Concordat of Bologna of 1516 gave the crown the right to nominate archbishops, bishops, abbots and priors, and regulated French church-state relations for the next two hundred and seventy-five years — and France produced the most complete absolutism in Europe. Spain ran a domesticated and singular church and produced the same. Denmark nationalised at the Reformation and produced, in the 1660s, the most explicitly absolutist constitution written in early modern Europe.

By that logic England should have gone the same way, and for a century it looked as though it might.

Move two: he made the anchor publicly verifiable

And then he did something none of those crowns did.

He put the text in the vernacular, in a book, in every parish, and had it read aloud. The intention is not in dispute and the England series states it correctly: it was to teach obedience to God and king, and it was a move in the management of belief.

Read structurally, it changed a property of the anchor that has nothing to do with obedience. **It converted an esoteric ground into a publicly verifiable one** — and public verifiability is the exact condition under which an audience becomes the check.

That matters because of what the framework says the check is *for*. Where a ground can only be read by a licensed class, an apex who controls that class controls the reading, and there is no appeal. Where the ground is readable by everyone it binds, an apex who controls the class does **not** control the reading, because the audience can compare the reading against the text.

So Henry removed the institutional constraint and created a distributed one in the same reign. He did not intend the second and could not have withdrawn it; the England series notes that he tried, by restricting who was permitted to read the book, and that it was already too late.

Which is a better answer to the divergence

This project's earlier study of the Reformation proposed that nationalising an interpreter's credential produces absolutism where the credential stays singular and bargaining where it fragments, and used England's confessional plurality to explain why it did not go the French way.

The Henry case suggests that fragmentation is downstream of something more basic. A ground that a whole population can read is a ground on which a whole population can disagree, and confessional plurality in England is substantially what happened when a text that had been mediated became one that could be consulted. The crown got a church it appointed and a scripture it could not control, and the second is what prevented the first from consolidating.

Which sharpens the finding into a form that can be checked elsewhere:

> ***Nationalising a credential produces absolutism where the ground stays esoteric and contestation where the ground becomes publicly readable.***

France's crown nominated the bishops and the text stayed in Latin. England's crown appointed the bishops and put the text in English in every parish. The two moves are not the same move, and only one of them can be reversed by an appointment.

Part IV — Coke, and the signature of a domestic credential

A refusal made, and a career ended, exactly as the framework predicts.

The fourth loading condition — *citable by a class the ruler did not credential* — was not satisfied in England for most of the period the England series covers, and the case that shows it is the most instructive confrontation in English legal history.

The claim

In 1607 and 1608, Sir Edward Coke, then Chief Justice of the Common Pleas, was confronted with James I's assertion that the king might personally decide cases. Coke's answer, as he recorded it, is the credential argument stated by a judge, four hundred years before this project reached it by another route.

He conceded that God had endowed the king with excellent understanding, and denied that understanding was the qualification. Causes concerning the life, inheritance, goods or fortunes of subjects, he said, are **not to be decided by natural reason but by the artificial reason and judgment of law** — an art requiring long study and experience before a man attains the cognisance of it.

Read that structurally. It is not a claim that the king lacks authority. **It is a claim that the king does not hold the qualification** — and that the qualification is conferred by a body of training and practice that the king does not run. Coke then quoted the medieval jurist Bracton to the effect that the king is under no man but is under God and the law.

And James understood immediately what was being asserted, which is the best evidence that the claim was the one the framework describes. He replied that this would put him under the law, which was treason to affirm.

The institution behind it

Coke's claim had a real institutional referent, which is why it is worth this project's attention. The English bar was trained and admitted by the **Inns of Court**: by 1600, roughly seven years' membership amounting to an apprenticeship, followed by

exercises after the call to the bar, under detailed internal regulation and residency requirements. The call to the bar was made by the Inns.

That is a **corporate, self-transmitting qualification** — the kind of thing the framework says an interpretive class needs, and the kind of thing most of the archive does not contain. It survived 1534 untouched, because the Reformation nationalised the *clerical* credential and left the *legal* one where it was.

And the limit, which is the point

But the Inns admitted men to the bar. **They did not appoint judges.** Judges held their commissions *durante bene placito* — during the king's pleasure — and could be dismissed at will.

So the framework's prediction for a domestic credential applies in full, and the outcome is its signature exactly: **heroic individual refusals and no institutional capacity to compel.**

Coke made the refusal. In 1610 he and other judges held that the king could not create new offences by proclamation. In 1616 he was suspended from the Privy Council, barred from circuit, ordered to revise passages in his Reports, and dismissed from the bench in November. He was never appointed to judicial office again.

One man refused, the refusal was survived by the doctrine and not by the man, and the crown's capacity to remove judges was untouched. That is imperial China's remonstrating official, in a wig — and it is what an independent-looking interpretive class produces when the apex still holds the instrument that punishes independence.

A qualification the crown could not confer got a judge as far as the argument. **A commission the crown could revoke ended him.**

Part V — The distance built by statute

1701, and a correction to the framework.

Here is the study's central finding, and it is a date.

What the settlement did

The crisis of 1688 removed a king. The Bill of Rights of 1689 declared, among much else, that a standing army in peacetime without parliamentary consent was unlawful; and the Mutiny Act of the same year, passed because troops loyal to the departed king had mutinied and could not be tried, made mutiny triable by court-martial — and was written to **expire**, so that a new Act had to be passed every year, and was, until 1879. That is the framework's floor being **re-addressed by statute**, from the person of a monarch to a chain terminating in a legislature, with the addressing re-performed on a public schedule.

And then, in 1701, the same settlement did the other half.

The **Act of Settlement** — formally an act for the further limitation of the crown and better securing the rights and liberties of the subject — provided that judges' commissions should be made **not, as formerly, *durante bene placito, but quamdiu se bene gesserint*** — during good behaviour — with **their salaries ascertained and established**, and with removal possible only **upon the address of both Houses of Parliament**.

Three provisions, and each closes one of the levers the framework identifies.

Tenure: the apex can no longer revoke the qualification. **Salary**: the apex can no longer starve the holder — and this project's finding on funding is that the difference between a secured income and a terminable one is the difference between an interpreter who can refuse and one who cannot. **Removal by address of both Houses**: the power that remains is corporate, procedural, public and held by a body that is not the apex.

Two later refinements completed it. A statute of 1720 kept judges in office for six months after the demise of the crown; and in 1761 Parliament established that commissions continued notwithstanding the monarch's death, closing the last gap by which a new sovereign could have swept the bench.

What the framework has to concede

This project has treated credential distance as a property an order **has** — inherited, structural, largely given. Ethiopia's church head was appointed from Alexandria and sent from Egypt for something close to sixteen centuries; Latin Christendom's bishops held from Rome; the Shi'i *marja'* was made by peer reputation and voluntary lay following and often lived in another country. In each case the distance was a fact about how the institution happened to have grown.

The project has one prior case of distance being **imposed** — a Qing emperor decreeing in 1758 that all future incarnations of a Mongol religious office must be found in Tibet, changing nothing about the doctrine and only the rule about where the next holder may come from, and thereby guaranteeing that the office could never again be held by a Mongol dynast. But that was distance imposed by a ruler **on his subjects**, as a weapon.

England in 1701 is the third route and the framework did not have it:

> ***Credential distance can be manufactured, deliberately, by statute, by a faction placing an interpreter beyond the reach of its own apex.***

Not foreign by geography. Not foreign by tradition. **Foreign by legislation** — a qualification that the man at the top cannot withdraw, cannot defund, and cannot terminate except through a corporate body acting in public.

And somebody understood the mechanism

This is where the study parts company, in one narrow respect, from the England series' closing pessimism.

That series holds — correctly, for almost all of its nine centuries — that the mechanism is blind, that the gains were byproducts of elite quarrels, and that nobody was aiming at the common man's liberties. This study accepts all of that for 1215, for 1534, and for most of what came between.

It does not accept it for 1701. The men who wrote that clause had watched Coke dismissed within living memory of their fathers, had watched judges bent to serve two Stuart kings, had removed one king by force, and had just spent a decade rebuilding a constitution. And what they wrote was not a general aspiration about justice. It was three technical provisions closing, with precision, the exact three levers by which an apex captures an interpretive class: appointment tenure, salary, and removal.

That is not a blind mechanism. That is a faction that had learned what the variable was and legislated against it — and the framework should record it as the

clearest instance in its archive of a settlement identifying its own failure mode and repairing it on purpose.

The result did not make anybody free, and it was a faction's bargain like every other in the series. What it did was satisfy the fourth loading condition. **After 1701 the words on the statute roll could be cited by men the crown could not remove**, and a clause that had been available for citation since 1215 became, for the first time, a clause that could be enforced against a king by somebody who would still hold his office afterwards.

One honest complication

France had an interpretive class with a form of independence too, and it should be named because it damages any clean story.

The French *parlements* held venal offices — purchased, and heritable — which made their members impossible to dismiss at pleasure, and they used a right of remonstrance to obstruct royal edicts for two centuries. So France had a legal class the crown could not simply sack.

Two differences seem to matter and neither is decisive. **What they read**: the English bench read a body of precedent accumulated by judges over centuries and citable by anyone against anyone, while the French *parlements* registered royal ordinances — which is the verification condition again, since a ground built out of a king's own enactments is a poorer weapon against him than one built out of custom he did not make. And **what happened when it was tested**: the crown broke the *parlements* by administrative reorganisation in 1771, which is a catchment edit of exactly the kind the framework says is the cheapest attack — whereas the English provision required an address of both Houses and was never used against a judge for a ruling.

That is a difference of degree stated as a difference in kind, and a critic could reasonably say the English case has been flattered.

Part VI — America: the grievance, the copy, and the three authors

What the colonists complained of, what they built, and the flaw they built in on purpose.

The America series reads the Constitution as a treaty among three ruling classes rather than the testament of one people, and traces the same loaded words arming everyone they were meant to exclude. The framework adds three things to that reading, and the first is a small detail that turns out to close the argument of Part V.

The grievance nobody notices

The 1701 provision applied in England. **It did not extend to the colonies**, where judges continued to hold office at the crown's pleasure and could be removed for any reason — an arrangement whose consequences for how a colonial judge decided a case against the crown do not need spelling out.

And the colonists said so. Among the charges laid against the king in the Declaration of Independence is that he had **made judges dependent on his will alone**, for the tenure of their offices and the amount and payment of their salaries.

That is the framework's variable, in a founding document, as a grievance — tenure and salary, the same two levers the Act of Settlement had closed at home seventy-five years earlier. The colonists were not complaining about an abstraction. They were complaining that the credential-distance England had legislated for itself had been withheld from them.

And when they built their own settlement, they copied the provision. Federal judges hold office **during good behaviour**, and their compensation may not be diminished while they remain in office. The English phrase was carried directly into the American text.

Which supplies the through-line: **the loading conditions travelled.** A clause written for barons in 1215, made publicly readable in the sixteenth century, made citable by an unremovable class in 1701, was withheld from a group of colonists, listed by them as a grievance, and written into their own founding instrument as a structural provision.

Three ruling classes are three candidate authors

The America series' central correction — several ruling classes, not one people — is the framework's **second-author problem** in its founding form.

A tobacco gentry governing through its own assembly on a hunger for land and a hereditary slavery hardened by its own statutes; a rice colony that was the most absolute slave society in English America; and a merchant north grown rich in the gap between imperial trade laws and their enforcement. Three interests with three assemblies, three militias and three systems of labour.

The framework's proposition is that a settlement holds only where the anchor is the **sole author** of the holders' titles, and that the ordinary lethal event is a second author appearing. A treaty among three classes is a settlement founded with three, and the framework's prediction is that such an order does not resolve its boundary disputes by argument — because argument requires an arbiter and the arbiter's identity is exactly what is in dispute.

It resolved by force in 1861–65, after which citizenship was moved to the federal source by amendment.

And the flaw was written in on purpose

The sharpest thing the series' treaty reading exposes, in the framework's terms, is the fugitive slave clause.

That clause is the **federal source enforcing the state one**. It is not two authorities coexisting in separate spheres; it is the national ground actively obliging every state to return persons held under another state's law — which means the national anchor was made to authorise a title it did not itself define, and could not define, because the definition contradicted the other things the same document said.

An anchor that authorises two incompatible answers to *who is a person* cannot arbitrate the question of who is a person. That is a determinacy failure, in the founding text, written in deliberately, as the price of holding the coalition — and it is the reason the ground could not settle the quarrel and the floor had to.

Locke, and the demonstration inside one lifetime

The America series records a datum that is the best single piece of evidence for the blowback mechanism in this project's entire archive.

The philosopher whose claim that men are by nature free and equal would arm the Revolution had, as secretary to the proprietors of Carolina, a hand in a constitution

providing that every freeman of Carolina should have absolute power over his slaves. (His precise responsibility for that text is contested among historians and should be flagged rather than assumed.)

Read as hypocrisy it is an indictment and nothing more. **Read through the framework it is the mechanism, demonstrated by the feeder himself.** A ground has to be old and public to be worth reaching for, which means the man who reaches for it did not make it, cannot revise it, and cannot restrict it to the readings that suit him. The natural-rights material was not Locke's property, and its implications were not his to limit — which is why the same doctrine was later fired at slavery by people quoting his own sentence against his own drafting.

> ***A faction cannot control what the doctrine it feeds will later authorise, and the reason is not moral progress. It is that the doctrine had to be old and public to be worth feeding, and old public things can be read by everyone they were fed to.***

The America series' title says the ruling classes wrote a warrant for themselves and armed everyone they meant to exclude. The framework's amendment is that this was not an oversight in the drafting. **It is what a warrant is.**

Part VII — What crowds can and cannot do

The mechanism under the series' most counterintuitive claim.

Both series hold that change did not come from the common man rising: that when he rose against an intact order — in 1381, at Peterloo, as the Chartists — he was crushed, absorbed or outlasted, because the order held the swords, the courts, the administration and the formed belief of the population.

The framework supplies the mechanism and one amendment.

The mechanism is the bystander problem, applied downward. A person considering visible dissent faces exactly the structure the framework describes among armed peers: his safety depends almost entirely on how many others turn out, he cannot verify that number in advance, and every other person is making the identical calculation about him. The whole apparatus of surveillance and exemplary punishment exists to prevent the common knowledge that would resolve it.

So a movement can do two things and not a third. It can **raise the cost side** until factions inside the order recalculate. It can **test the floor**, because a floor is not a quantity of men and weapons but a set of armed men each of whom could refuse, so obedience is a forecast each makes about the others — and a crowd is the occasion on which that forecast is tested.

What it cannot do is author a successor. Filling a vacated position requires a source of title, and a crowd's claim is a fact about how many people are currently in the street, which is the definition of a claim that expires. **Crowds are a solvent, not an author.**

The amendment is that the floor test is not nothing, and 1688 is the case. James II held a substantially larger army than the force that landed against him, and it dissolved without a general engagement — officers unable to answer for their men, units going over, the reign ending without a battle. That is a floor losing a forecast rather than a war, and it is the single event type that actually ends orders.

Which sharpens the series' claim rather than softening it: **popular energy alone almost never beats an intact order, and popular energy meeting a fractured floor is what ends one.** The Chartists faced an order whose army had not been asked the question. The men of 1688 faced one that had.

Part VIII — What this does to the series' pessimism

Three revisions, in both directions.

The England series ends on the soberest available note: that what was won by accident can be lost, that the protections rest on no law of progress but only on the continuing alignment of the interests they serve, and that had different words been written the same mechanism would have confirmed subjection.

The framework agrees with almost all of that and revises it in three places, two of which make the account **less** comfortable rather than more.

First, and more optimistic: the loading was forced, not lucky. A faction needing a binding warrant must write in terms it cannot own. So it is not the case that England happened to write general words and might just as easily have written narrow ones — narrow ones would not have bound anybody. Any settlement that requires a warrant is loading a weapon, and the only question is which kind.

Second, and equally so: 1701 was aimed. The mechanism is blind about targets and was not blind on that occasion. A faction identified the three levers by which an apex captures an interpreter — tenure, salary, removal — and closed all three by statute. That is a settlement recognising its own failure mode and repairing it deliberately, and it is the clearest such instance in this project's archive.

Third, and considerably less comfortable: the loading conditions are all reversible, and three of the four are reversible by ordinary legislation.

Universality is a property of clauses already written and is the only one that cannot be withdrawn — words on a statute roll stay on it.

Conduct-limiting character can be diluted by doctrine: a clause about procedure can be construed into a standard so qualified that no event contradicts it, at which point it has become status-conferring in effect while remaining conduct-limiting in form.

Public verifiability erodes without anyone deciding to erode it. A ground of four thousand words that anyone can read, beneath several hundred volumes that nobody outside a profession can, has migrated from the Icelandic position toward the ordinary one — and the framework's modifier says the interpreter's independence rests on the audience's ability to check.

And the fourth condition is a statute. Tenure, salary and the mechanics of removal are ordinary law in England, and in the American case the number of judges, the structure of the courts and much of their jurisdiction likewise. This project's word for an attack on that lever is a **catchment edit** — a lawful alteration to the rule about who fills an office, which touches no doctrine and breaks nothing, and which therefore does not trigger the coalition that violations trigger.

So the series' pessimism is right and the framework locates it more precisely. **The danger to a settlement of this kind has never been a ruler who defies the words.** Defiance is legible and assembles opposition. The danger is the lawful edit of the rule about who may read them — which is available, cheap, and has been used repeatedly in both countries' histories without anybody breaking a law.

Part IX — Predictions

Stated so that they can fail.

P1 — Binding clauses are general, and the generality is not optional. Across settlements, provisions extracted by a faction from a ruler should be found stated in terms of conditions rather than named beneficiaries at a markedly higher rate than provisions granted by a ruler to a faction. *Falsified if* extracted provisions are typically as particular as granted ones.

P2 — Only conduct-limiting clauses are later fired. Written provisions taken down and aimed at rulers by later factions should be overwhelmingly procedural or conduct-limiting; status-conferring provisions should show essentially no such use in any tradition. *Falsified if* status doctrines are found being turned against rulers by later factions at comparable rates.

P3 — Public verifiability of the ground predicts distributed contestation. Where a legitimating text becomes readable in the vernacular by the population it binds, one should observe subsequent contestation of the ruler's reading by parties he did not credential; where the text stays esoteric, one should not. *Falsified if* vernacularisation shows no relation to subsequent contestation.

P4 — Loaded words without an independent interpreter produce nothing. Provisions satisfying the first three conditions should remain inert — cited in the ruler's weakness, ignored in his strength — until an interpretive class exists whose qualification the ruler cannot revoke. *Falsified if* such clauses are found being enforced against strong rulers by interpreters the rulers could dismiss.

P5 — Distance can be built, and building it is recognisable. Where a faction deliberately places an interpreter beyond its apex's reach, the instrument should address tenure, remuneration and removal together rather than any one alone, because closing one lever leaves the others. *Falsified if* effective independence is commonly achieved by securing tenure alone.

P6 — Attacks come through the catchment. Serious moves against an interpretive class should take the form of lawful alterations to who fills the office — its size, selection, tenure, jurisdiction — rather than defiance of its rulings, because defiance triggers a coalition and lawful edits historically do not.

P7 — Fed doctrines turn on their feeders on a generational lag, using the doctrine's own terms rather than a rival framework, and the turning should be executed by people the feeding produced.

And the account fails as a whole if this is found: a durable settlement whose founding provisions named their beneficiaries and bound anyway; or a status-conferring doctrine successfully turned against the men it sanctified, by their own subjects, using its own terms.

Part X — Where this is weak

Eight problems, three of them serious.

The loading test is not scored. Four conditions are proposed and no coding rule is given for any of them. What counts as conduct-limiting when a clause has both elements? How much doctrine makes a public text esoteric? Without answers the test can be applied after the fact to whatever happened, which is the vice this project exists to avoid.

The France comparison is thin. Part V concedes that the *parlements* were a partly independent legal class and offers two distinctions that are differences of degree. A serious version would compare the English and French benches on tenure, income, source of law and outcomes of confrontation across a matched period, and that has not been done.

The Henry argument is over-clean. Vernacular scripture was not solely a royal act and not solely English; Luther's Bible preceded it, and printing was doing work no ruler controlled. Attributing English contestation to a single royal decision understates a technological and continental process that was running regardless.

1701 may be read too heroically. The Act's judicial clause was one provision among many in a statute whose primary purpose was a Protestant succession, and it took effect only at the Hanoverian accession. Some of its independence was undone in practice by the surviving convention that commissions lapsed at a monarch's death, not fully closed until 1761. A faction "identifying its failure mode and repairing it" may be a flattering description of a provision inserted for narrower reasons.

The colonial grievance may prove less than claimed. That the Declaration lists judicial dependence is certain; that it was among the operative causes rather than one of a long list of charges assembled for effect is a further claim, and the list contains items nobody supposes were decisive.

And three that reach the foundations.

The first. **The whole account may be selecting on the outcome.** England and America are the cases where loaded words were fired, and they are examined because they were fired. A serious test needs the settlements where general conduct-limiting language was written into venerated records and never fired at all, and this study has not assembled them. If they are numerous, the loading test describes a necessary condition and almost no sufficiency, and the interesting variable is elsewhere.

The second. **The framework may be reading intention into structure.** Part V argues that a faction identified a variable and legislated against it, and the evidence for the identification is the shape of the remedy. That inference is exactly the one this project warns against everywhere else — reading a designer's understanding off the design — and a critic could say that three provisions addressing three levers is what a competent lawyer writes without any theory at all.

The third. **A deflationary account of liberty that ends by crediting one deliberate act is having it both ways.** The study argues the mechanism is blind for nine centuries and aimed on one occasion, and the occasion it selects is the one that produced the arrangement the author lives under. That is a pattern worth being suspicious of, and this study cannot rule out that the suspicion is warranted.

Part XI — The excluded, and the discipline

Who the words did not reach, and for how long.

This project requires every study to name the people inside an order's coercive reach and outside its settlement.

The clause said *free man*, and most people were not. In 1215 the great majority of the English population were unfree — villeins, bound to a manor, subject to a lord's court, and explicitly outside the protection the charter extended. The generality that this study has praised as structurally necessary was, at the moment of writing, a generality that excluded most of the country by the plain meaning of its own terms. It took the plague, the collapse of the labour market and centuries of erosion to make the category wide enough to matter.

Those who rose were crushed. The rebels of 1381 were promised concessions and then hunted; the crowd at Peterloo in 1819 was ridden down by cavalry; the Chartists were prosecuted and outlasted. The framework's account of why — that crowds are a solvent and not an author — is an explanation and not a consolation, and the people who found it out were killed finding it out.

The English radicals of the 1640s argued from the same ground as the men who defeated them, had nowhere outside the kingdom to appeal to because the foreign credential had been abolished a century earlier at the crown's own initiative, and were shot at Burford and dispersed from their commons.

And in the American case the exclusion was written in. The three-fifths, slave-trade, fugitive-slave and insurrection clauses were not silences but provisions, and the same national ground that this study credits with a horizontal function running across a continent obliged free states to return people who had escaped from slavery. The words that were fired at slavery in the nineteenth century had, for eighty years, been the words that protected it — and the framework's finding that a settlement's anchor authors every title equally is a description that includes titles in persons.

The dispossessed do not appear in this study at all, and should. The land that made the American gentry's assemblies possible was taken from people who are not parties to any of the loaded documents examined here and who could not cite them.

On the vocabulary. This study has called human beings a *class*, a *coalition*, a *crowd* and an *audience*, and has described a founding compromise over who counts as a person as a determinacy failure. That register is chosen because vagueness about mechanism has protected more atrocity than it has prevented. It makes suffering sound like a variable, and the debt should be paid once in plain words: the villeins outside clause 39 were people, the men ridden down at Peterloo were people, and the persons whose return the fugitive-slave clause required were people whom the document called property.

Legibility is not pardon. To show that a liberty was structurally produced is to say something about the structure and nothing about its justice — and to show that the words had to be general is not to say that the men who wrote them meant anything by it.

Conclusion

A clause, a book, and a statute.

The England series asks why a ruling class kept handing the common man weapons it never meant him to have, and answers: because a faction that wins a round cannot simply assert its own advantage, so it writes its victory into the universal language of right — and the words then slip its grip.

The framework's amendment is that this was not luck. **A faction cannot write a binding warrant and a narrow one.** Ownership is a claim about tomorrow and about other people, and a claim authored by a party to the contest is worth that party's current strength — which is the problem the clause exists to solve. So the barons of 1215 could not have written *no baron*. A clause naming its beneficiaries is a receipt for possession; a clause naming a condition derives from a ground nobody in the room made, and gives every man who fits the condition a reason to defend it.

The generality is the unforgeability requirement, appearing in the grammar of a sentence — and it is inseparable from everything that followed, because the property that made the words bind is the property that made them claimable.

But general words are not automatically weapons, and the framework can say which ones load. **They must name a condition rather than a person. They must limit conduct rather than confer status**, because only a claim about what may not be done can be checked against what actually happened — which is why *no free man shall be seized except by lawful judgment* was fired for six centuries and divine right was never fired at all, in any tradition, by anybody. **They must be publicly verifiable**, lodged in a record the audience can consult in a language they read. **And they must be citable by a class whose standing the ruler did not confer** — because loaded words plus a captured interpreter equals nothing, which is very nearly the description of Magna Carta's first four hundred years.

Which reframes Henry VIII's reign as two moves in opposite directions. He **nationalised the credential**, taking the interpreter's qualification out of Rome's hands and into his own — the move that produced absolutism in France, in Spain and in Denmark, and that removed the only structural constraint English kings had ever operated under. And then he **put the text in every parish in English**, converting an esoteric ground into a publicly verifiable one and thereby creating a distributed check

where he had just destroyed an institutional one. He intended the first. He could not withdraw the second, and the England series records him trying.

And Coke shows what remained missing. In 1607 a Chief Justice told a king that causes were to be decided not by natural reason but by the artificial reason and judgment of law — a claim not that the king lacked authority but that **he lacked the qualification**, which was conferred by a body of training the crown did not run. James understood instantly, and replied that this would put him under the law, which was treason to affirm. Coke was dismissed in 1616 and never sat again. **A qualification the crown could not confer got him as far as the argument; a commission the crown could revoke ended him** — which is the signature of a domestic credential exactly, and the same signature imperial China produced for two thousand years.

Then, in 1701, a faction closed the gap on purpose. Judges' commissions were to run not at the king's pleasure but during good behaviour; their salaries were to be ascertained and established; and removal was to require the address of both Houses. Three provisions, closing the three levers by which an apex captures an interpretive class — tenure, income, and the power to remove — with the residual power made corporate, procedural and public.

That is credential distance manufactured by statute, and this project did not have it. Ethiopia's church head was foreign by tradition; a Qing emperor made a Mongol office foreign by decree as a weapon against his own subjects. England in 1701 is the third route: **a faction placing an interpreter beyond the reach of its own apex, having watched for a century what happens when it is not.**

The colonists were denied that provision, listed it among their grievances against the king, and wrote it into their own instrument. So the arc runs: a clause made general because it could not have bound otherwise; a text made readable for reasons of obedience; a bench made unremovable by a faction that had learned what the variable was; and a copy carried across an ocean by men complaining that they had been left out of it.

None of that is a law of progress, and the study's last word belongs to the direction the mechanism actually runs. Three of the four loading conditions are reversible, and three of them are reversible by ordinary legislation that breaks nothing and defies nobody. A conduct-limit can be construed into a standard no event contradicts. A public text can sink beneath doctrine only a profession can read. And tenure, salary, number and jurisdiction are statutes.

Which is where the England series' pessimism lands with more precision than it stated. **The danger to a settlement of this kind has never been a ruler who defies the words**, because defiance is visible and assembles a coalition against itself. The

danger is the lawful edit of the rule about who may read them — cheap, legible only to specialists, triggering nothing, and available to whoever holds a majority.

> ***The words had to be general to bind, and being general is why they could be fired. What decides whether they ever are is not the words. It is whether the man who reads them can still be reading them next year.***

A note on sources and scholarship

Every borrowed idea is explained in the text rather than invoked on authority; this note gives the references and the reservations.

On the framework. Possession and ownership, the anchor and its properties, the bystander mechanism, the found-ground argument, the interpreter's two functions, credential distance and the verification modifier, the catchment-edit vulnerability, and the audit mechanism are developed across this project's theoretical papers — principally *What Force Cannot Do*, which consolidates them, with *The Shape of the Sieve*, *The Distance to the Sword*, *The Guard That Cannot Be Turned*, *The Belief That Cannot Be Manufactured*, *A Bishop No King Could Make* and *Nine Without an Army*. The underlying scholarship restated in compressed form is James D. Fearon on commitment problems (*International Organization*, 1995), Barry R. Weingast on coordination and shared standards (*American Political Science Review*, 1997), and Michael Suk-Young Chwe on ritual and common knowledge (*Rational Ritual*, 2001).

On the two series this study re-reads. *The England Series: The Words That Outran Their Authors* and *The America Series: The Warrant They Wrote for Themselves* (this project, 2026), for the elite-fracture account of change, the observation that a faction must write its victory in universal legitimating language, the tracing of the loaded texts from Runnymede through the seventeenth century to the present, the reading of the American Constitution as a treaty among three ruling classes, and the Locke datum. Both are left standing as written; this study supplies the structural necessity of generality, the loading test, the two-moves reading of Henry VIII, the Coke and 1701 material as credential-distance findings, and the correction on manufactured distance.

On Magna Carta. The substance of clause 39, its survival through repeated confirmation and its entry on the statute rolls, and the absence of any internal limit on who might claim the status of *free man*, follow the standard historiography and the England series' own sourcing. The structural reading of the clause's generality is this project's.

On Coke. The confrontation with James I recorded in Coke's *Reports* as *Prohibitions del Roy*, dated by different accounts to 1607 or November 1608, in which Coke argued that causes were to be decided not by natural reason but by the artificial reason and judgment of law and quoted Bracton to the effect that the king is under

God and the law, and James replied that this would place him under the law, which was treason to affirm; the *Case of Proclamations* of 1610; and Coke's suspension from the Privy Council in June 1616 and dismissal from the bench in November of that year, follow the standard record. The Inns of Court's role in admitting men to the bar — by around 1600 requiring some seven years' membership amounting to apprenticeship, with exercises following the call, under detailed internal regulation — follows the standard institutional histories, principally Holdsworth. The characterisation of the Inns as a corporate self-transmitting credential, and of the judicial commission as the lever that remained in the crown's hands, is this project's.

On the settlement of 1688–1701. The Bill of Rights of 1689 on standing armies; the first Mutiny Act of 1689, its origin in the mutiny of troops loyal to James II, and its annual re-enactment until 1879; and the **Act of Settlement 1701** (12 & 13 Will. 3, c. 2), providing that judges' commissions be made *quamdiu se bene gesserint* rather than *durante bene placito*, with salaries ascertained and established and removal upon the address of both Houses — together with the statute of 1720 continuing judges in office for six months after the demise of the crown, and the further legislation of 1761 continuing commissions notwithstanding the monarch's death — were checked against the standard reference accounts for this study, including Blackstone's discussion of the provision. The reading of the three provisions as closing three distinct capture levers, and as an instance of manufactured credential distance, is this project's.

On the comparative material. The Concordat of Bologna of 1516 and the Reformation nationalisations are treated with their own sourcing in this project's *A Bishop No King Could Make*. The French *parlements*, their venal and heritable offices, their right of remonstrance and the administrative reorganisation of 1771, follow the standard literature; the comparison in Part V is offered as a hypothesis and its weakness is stated in Part X. The Qing decree of 1758 concerning the catchment of a Mongol religious office is treated in this project's Mongolia material.

On the American material. The non-extension of the 1701 provision to the colonies and the consequent tenure of colonial judges at the crown's pleasure; the grievance in the Declaration of Independence that the king had made judges dependent on his will alone for tenure and salary; and the adoption of good-behaviour tenure and undiminishable compensation in Article III, follow the standard record and are noted in the constitutional literature as a direct borrowing. The three-ruling-classes reading, the treaty analysis of the Constitution, and the Locke and Carolina material follow the America series; Locke's precise responsibility for the Fundamental Constitutions of Carolina is contested among historians and is flagged rather than assumed.

On what is not attempted. This study makes no claim to original research in English or American constitutional history, which it enters as a visitor and in which it relies on the standard literature and on this project's earlier work. Its contribution is analytical: to show that the generality of a founding clause is structurally forced rather than fortunate; to propose four conditions determining whether written words can later be fired; to separate two moves in one reign that ran in opposite directions; and to record a date on which credential distance was manufactured by statute, which the framework had not previously allowed for.